

**REMARKS**

Prior to entry of this amendment, claims 1-6 are pending. By this amendment, a new Abstract is presented. Also by this amendment, claims 1, 2 and 6 are amended. The subject matter of the amendments to claims 1, 2 and 6 is fully supported in the specification as filed; thus, no new matter is added.

Claims 1-6 are presented for further prosecution on the merits.

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and following remarks.

A Declaration Under 37 CFR § 1.132 is hereby being filed along with the present Amendment, and the Examiner is respectfully requested to give weight to the enclosed Declaration in determining whether or not to maintain the rejections of the outstanding Office Action. A copy of the Declaration is enclosed in accordance with 37 CFR § 1.4(d)(2). Although the Declaration represents an opinion or conclusion, this opinion or conclusion is based on and founded in fact. The Declaration Under 37 CFR § 1.132 may be used to show both the interpretation of the meaning of a reference (differences between the invention and prior art) by a professional and to show sufficiency of the disclosure as understood by a professional.

The enclosed Declaration is by Mr. Kenji Sato, an employee of Honda R&D Co., Ltd., since 1990, having over 14 years of experience in the art of electric energy storage devices and at least 10 years experience studying capacitor electrolytes. (See Declaration ¶ 2). Mr. Sato is one of the inventors of the subject application. It is respectfully submitted that Mr. Sato is at least one of ordinary skill in the capacitor electrolyte art.

In the Office Action mailed July 15, 2004, claims 1-2, and 6 are objected to for informalities. In accordance with the suggestions contained in the outstanding Office action, Applicant has replaced the word "electrolyte" with --electrode-- and in claim 6, the word "using" is replaced with the word --of--. If any additional amendment is necessary to overcome this objection, the Examiner is requested to contact the Applicant's undersigned representative.

**Claims 1-6 Recite Patentable Subject Matter**

Claims 1-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 2000-331887 to Ue et al. (hereinafter, "Ue 887") in view of JP 2000-311839 to Ue et al. (hereinafter, "Ue 839") and U.S. 6,459,564 to Watanabe et al. (hereinafter, "Watanabe"). It is noted that claims 1, 2 and 6 have been amended. To the extent that the rejection remains applicable to the claims currently pending, the Applicant hereby traverses the rejection, as follows.

Pending claim 1 recites, in part:

[A] nonaqueous electrolyte solution...[wherein] the impurities contained in said nonaqueous electrolyte solution impregnated into said electrode element comprise 30 ppm or less of glycols, 30 ppm or less of primary alcohols and less than 20 ppm of tertiary amines.

Applicant respectfully submits that, even to one of ordinary skill in the art, the capacitor containing the range of impurities recited in claim 1 exhibits surprising and unexpected results over a capacitor containing the range of impurities disclosed in the combination of cited references. (See Declaration ¶¶ 4, 5). The outstanding Office Action cites Watanabe for disclosing an impurity content of primary alcohols of 1000 ppm or less.

As is apparent from the Figures and Tables of the attached Declaration, there is a considerable difference in the resistance-increasing ratio between a capacitor containing 30 ppm or less of primary alcohols, as in the claimed invention, and a capacitor containing 1000 ppm of primary alcohols, as in Watanabe. Even when decreasing the content of the primary alcohols from 1000 ppm as disclosed in Watanabe, the improvement in resistance-increasing ratio becomes apparent only when the content of primary alcohols is approximately 53 ppm or less. Thus, Applicant respectfully submits that the nonaqueous electrolyte solution of the electrical double-layer capacitor of the claimed invention, having the particular impurity content recited in claim 1, is not rendered obvious by the combination of Ue 887, Ue 839 and Watanabe.

For at least the above reasons, in consideration with the attached Declaration under 37 C.F.R. § 1.132, Applicants respectfully submit that claim 1 is allowable over the applied art of record. Further, claims 2-6 depend from claim 1 and as such, claims 2-6 are allowable for at least the reasons claim 1 is allowable, as well as for the additional subject matter recited therein. Accordingly, favorable reconsideration and withdrawal of the rejection are respectfully requested.

### **Conclusion**

For all of the above reasons, it is respectfully submitted that claims 1-6 are in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300 referencing client matter number 101175-00039. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 referencing client matter number 101175-00039.

Respectfully submitted,

Arent Fox, PLLC



Michèle L. Connell  
Registration No. 52,763

**Customer No. 004372**  
1050 Connecticut Ave., N.W.  
Suite 400  
Washington, D.C. 20036-5339  
Telephone No. (202) 857-6104  
Facsimile No. (202) 857-6395

MLC:sg

Enclosures Declaration under 37 C.F.R. § 1.132  
Appendices A, B, C